

House Study Bill 722 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to a public offense which is also a hate crime,
2 and presentence investigation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692.15, subsection 7, Code 2022, is
2 amended to read as follows:

3 7. ~~The hate crimes listed in~~ A public offense which is also
4 a hate crime as defined in section 729A.2 ~~are~~ is subject to the
5 reporting requirements of this section.

6 Sec. 2. Section 729A.2, Code 2022, is amended to read as
7 follows:

8 **729A.2 Violation of individual rights — hate crime.**

9 1. "Hate crime" means one of the following any public
10 offenses offense when committed against a person or a person's
11 property because of the person's race, color, religion,
12 ancestry, national origin, political affiliation, sex,
13 sexual orientation, age, or disability, or the person's
14 association with a person of a certain race, color, religion,
15 ancestry, national origin, political affiliation, sex, sexual
16 orientation, age, or disability+.

17 ~~1. Assault in violation of individual rights under section~~
18 ~~708.2C.~~

19 ~~2. Violations of individual rights under section 712.9.~~

20 ~~3. Criminal mischief in violation of individual rights~~
21 ~~under section 716.6A.~~

22 ~~4. Trespass in violation of individual rights under section~~
23 ~~716.8, subsections 3 and 4.~~

24 2. A person convicted of a public offense which is also
25 a hate crime may be subject to enhanced sentencing penalties
26 pending a presentencing investigation as provided in section
27 901.2, subsection 2, paragraph "e".

28 Sec. 3. Section 901.2, subsection 2, paragraphs c and d,
29 Code 2022, are amended to read as follows:

30 c. The Except as provided in paragraph "e", the court
31 may order a presentence investigation when the offense is an
32 aggravated misdemeanor.

33 d. The Except as provided in paragraph "e", the court may
34 order a presentence investigation when the offense is a serious
35 misdemeanor only upon a finding of exceptional circumstances

1 warranting an investigation. Notwithstanding [section 901.3](#), a
2 presentence investigation ordered by the court for a serious
3 misdemeanor shall include information concerning only the
4 following:

5 (1) A brief personal and social history of the defendant.

6 (2) The defendant's criminal record.

7 (3) The harm to the victim, the victim's immediate family,
8 and the community, including any completed victim impact
9 statement or statements and restitution plan.

10 Sec. 4. Section 901.2, subsection 2, Code 2022, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. e. The court may order a presentence
13 investigation for any public offense which is also a hate crime
14 as defined in section 729A.2.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to a public offense which is also a hate
19 crime, and presentence investigation.

20 Current law provides that a "hate crime" means a violation
21 of certain specified public offenses committed because of a
22 person's race, color, religion, ancestry, national origin,
23 political affiliation, sex, sexual orientation, age, or
24 disability, or the person's association with a person of a
25 certain race, color, religion, ancestry, national origin,
26 political affiliation, sex, sexual orientation, age, or
27 disability. The specified offenses include assault in
28 violation of individual rights (Code section 708.2C), arson in
29 violation of individual rights (Code section 712.9), criminal
30 mischief in violation of individual rights (Code section
31 716.6A), and trespass in violation of individual rights (Code
32 section 716.8(3) and (4)).

33 The bill provides that a "hate crime" means any public
34 offense when committed against a person or a person's
35 property because of the person's race, color, religion,

1 ancestry, national origin, political affiliation, sex,
2 sexual orientation, age, or disability, or the person's
3 association with a person of a certain race, color, religion,
4 ancestry, national origin, political affiliation, sex, sexual
5 orientation, age, or disability.

6 The bill provides that a person convicted of a public
7 offense which is also a hate crime may be subject to enhanced
8 sentencing penalties pending a presentencing investigation.

9 The bill provides that the court may order a presentence
10 investigation for any public offense which is also a hate
11 crime.

12 The bill makes a conforming Code change to the reporting
13 requirements in Code chapter 692 (criminal history and
14 intelligence data).